



**ASSEMBLY MEMBER MIKE ENG**  
**AB 688 – Domestic Violence Victim Protection**

*Sponsored by: Los Angeles County Sheriff's Department & Los Angeles District Attorney's Office*

**SUMMARY**

Current law requires a person charged with a misdemeanor for domestic violence to appear before a judge or commissioner in order to have the facts relevant to the arrest reviewed and determine whether the person is a threat to the alleged victim or to the public. However, there are discrepancies in state law that potentially allow for the release of a person charged without ever appearing before a judge or commissioner.

**THE SOLUTION**

Assembly Bill 688 would clarify that a person charged with a misdemeanor domestic violence may not be released on their own recognizance until they first appear before a judge or commissioner.

**BACKGROUND**

Currently, California Penal Code §853.6 allows a peace officer to release a person charged with misdemeanor domestic violence on their own recognizance without having the person appear in front of a judge or commissioner if he/she believes doing so will not endanger the victim or the victim's property. However, California Penal Code §1270.1 states that a person charged with a misdemeanor domestic violence cannot be released on their own recognizance until they have appeared in front of a judge or commissioner. Penal Code §1270.1 contains no exceptions.

There is a need for clarification on this issue. According to the California Department of Justice's *Crime in California in 2007* report, California law enforcement received 174,649 domestic violence calls that year; 69,422 calls involved weapons, such as firearms and knives. Law enforcement officials do not want to take a chance on releasing an individual back into the community where that person could potentially do more harm. The Los Angeles County Sheriff's Department and the Los Angeles District Attorney's Office believe the decision should be left up to a judge or commissioner to make the decision as to on whether the person is fit to return to the community.

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